

PRESCOTT CITY COUNCIL REGULAR VOTING MEETING A G E N D A

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, SEPTEMBER 14, 2010
3:00 P.M.**

**Council Chambers
201 South Cortez Street
Prescott, Arizona 86303
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its **Regular Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION:** Pastor Steve Paglia, Heights Church
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Hanna
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Kuykendall	
Councilman Blair	Councilwoman Linn
Councilman Hanna	Councilwoman Lopas
Councilman Lamerson	Councilwoman Suttles

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. PROCLAMATIONS

- A. [September 12-18, 2010 as Constitution Week.](#)
- B. [September 25, 2010 as Prescott Healthy Living Day.](#)

II. PUBLIC COMMENT

- A. Al Macias of the U.S. Census Bureau re recent census process.

III. CONSENT AGENDA

CONSENT ITEM A LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

- A. Approval of the minutes of the Prescott City Council Regular Voting Meeting of August 31, 2010.

IV. REGULAR AGENDA

- A. Approval of request from Asphalt Paving & Supply, Inc. to perform night work along Miller Valley Road, Grove Avenue, and a portion of South Montezuma Street.
- B. Award of bid and contract for the Virginia Street Sewer Replacement Project to A. Miner Contracting, Inc., in an amount not to exceed \$1,087,737.00, requiring Davis-Bacon wages.
- C. Adoption of Ordinance No. 4761-1112 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real property from One West Bank (Michael Pompa) for the widening of Williamson Valley Road, authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases and dedication; and declaring an emergency.
- D. Adoption of Resolution No. 4046-1116 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 3637 and adopting a new Council Policy regarding a Traffic Calming Policy and Procedures.
- E. Approval of contract in the amount of \$70,000.00 for expert witness services to be provided by PMA Consultants, LLC.

V. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____ m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Elizabeth A. Burke, MMC, City Clerk

CONSTITUTION WEEK
September 12-18, 2010

WHEREAS: September 17, 2010 marks the two hundred twenty third anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 12 through 18 as Constitution Week.

NOW, THEREFORE I, Marlin D. Kuykendall, by virtue of the authority vested in me as Mayor of the City of Prescott, Arizona do hereby proclaim the week of September 12 through 18, 2010 as:

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals of the framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 14th day of September of the year of our Lord two thousand and ten.



Marlin D. Kuykendall
MARLIN D. KUYKENDALL, MAYOR
City of Prescott

ATTEST:

Elizabeth A. Burke
ELIZABETH A. BURKE, CITY CLERK
City of Prescott

PROCLAMATION

Prescott Healthy Living Day
September 25, 2010

WHEREAS; Healthy Living is a growing interest and national concern; and

WHEREAS; Preventative health care saves not only lives, but also reduces needless sick days, hospital visits, and the tragedy of personal loss; and

WHEREAS; Health is wealth as it adds immeasurably to our quality life; and

WHEREAS; Prescott is a city renowned for its health-giving air and wholesome ambience; and

WHEREAS; The Raw Spirit Festival, an educational 501c3 non profit, Arizona's leading healthy-living festival, is occurring at Prescott's Watson Lake Park Sept 24 - 26, 2010

NOW, THEREFORE; be it resolved that I, Marlin Kuykendall, Mayor of Prescott, proclaim Prescott Healthy Living Day, Sept 25, 2010.

and encourage all residents to attend the Raw Spirit Festival where I will present this proclamation and encourage all to listen to the many health research presentations at the lake and meadow stages; taste samples and learn health-giving recipes at fresh food demonstrations; join in the exercise rejuvenation program on the cliff, dance to an assortment of outstanding live music from around the world; enjoy the youth program as well as the native cultural program, job fair, talent show, organic farmers market, health & environmental business dinner, barter fair, and eclectic array of educational vendors.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott, to be affixed this 14th day of September, 2010.

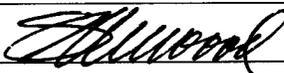


Marlin D. Kuykendall
MARLIN D. KUYKENDALL, MAYOR
City of Prescott

ATTEST:

Elizabeth A. Burke
ELIZABETH A. BURKE, CITY CLERK
City of Prescott

COUNCIL AGENDA MEMO – September 14, 2010	
DEPARTMENT:	Public Works
AGENDA ITEM: Request by Asphalt Paving & Supply, Inc. (AP&S), to perform night work along Miller Valley Road, Grove Avenue, and a portion of south Montezuma Street	

Approved By:		Date:
Department Head:	Mark Nietupski	
Finance Director:	Mark Woodfill	
City Manager:	Steve Norwood 	09/08/10

Item Summary

AP&S has requested approval to perform night work on the FY 2011 Pavement Rehabilitation Project on Miller Valley Road and Grove Avenue from Fair Street to Sheldon Street, and along S. Montezuma Street from Goodwin Street through the Aubrey Street intersection.

Background

On August 10, 2010, the City’s FY 2011 Pavement Rehabilitation Project was awarded to AP&S. The project generally consists of removing, by milling, the upper two to three inches of existing asphalt pavement and repaving with new hot mix asphalt. AP&S has requested performing a majority of the work along the above named streets at night to minimize the impact on the various restaurants, fast food outlets, auto parts stores, United States Post Office and other businesses that predominately operate during the day. The night work is also intended to minimize the impact on the traveling public. Traffic counts on Miller Valley Road indicate more than 17,000 vehicles between the hours of 6:00 AM and 6:00 PM. Traffic counts on Miller Valley Road indicate only 1,990 vehicles between the hours of 6:00 PM and 6:00 AM. To work between the hours of 6:00 PM and 6:00 AM will significantly reduce the impact on local traffic and expedite the completion of the street improvements.

The work involves the use of various pieces of heavy equipment, sometimes working in a train type operation where driveways and accesses will be temporarily inaccessible. The night work will greatly reduce the impact of this train type operation on businesses. The night work will involve the use of light plants that were not a part of the bid, and other night work related items that will be paid under the contract allowance in an amount of about \$8,500 for Miller Valley Road/Grove Avenue, and approximately \$4,500 for the portion of Montezuma Street from Goodwin Street through the Aubrey Street intersection.

AP&S has employed the services of EnviroSystems Management, Inc., an experienced public relations firm, to communicate with local businesses about construction activities.

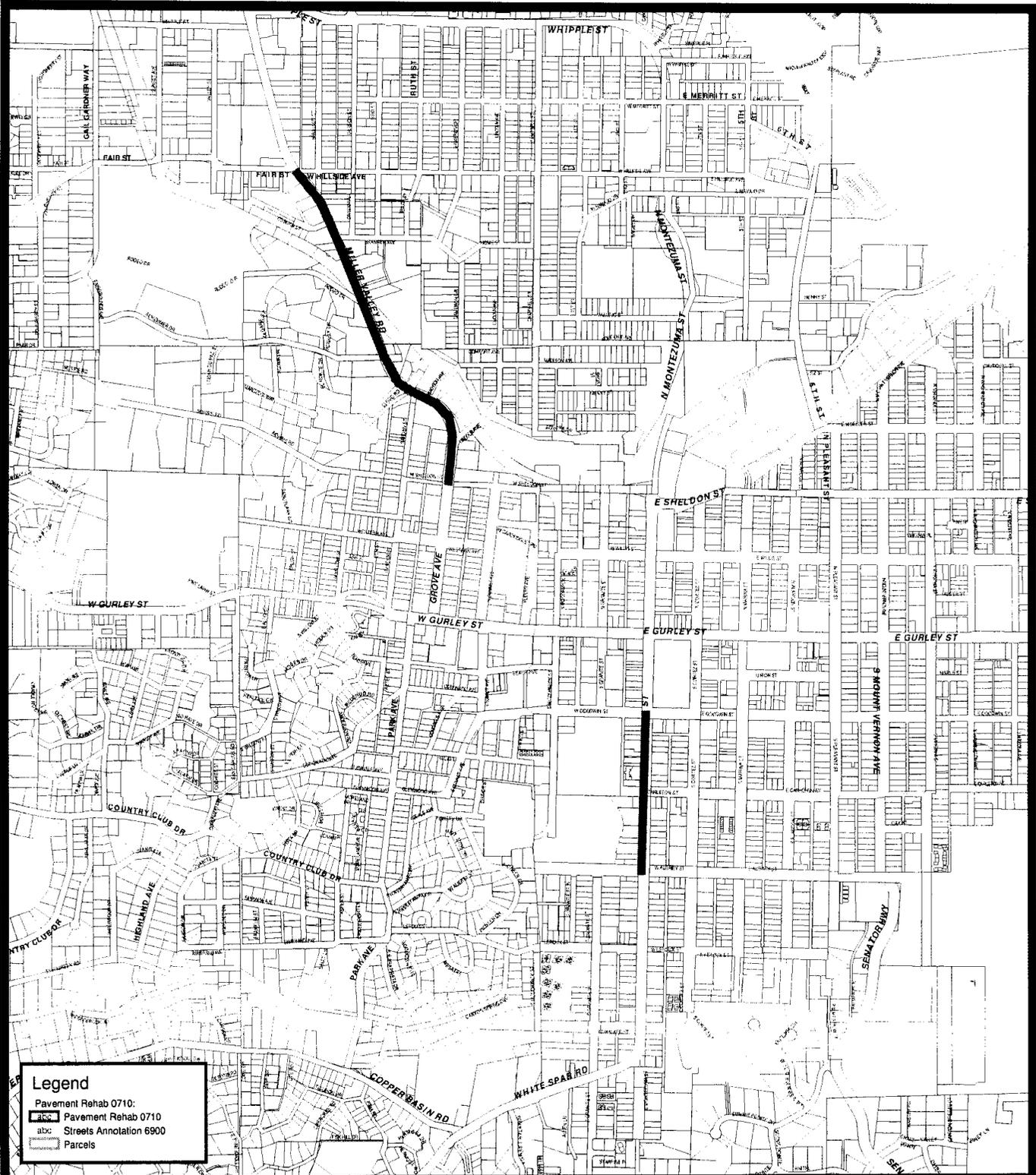
Agenda Item: Request by Asphalt Paving & Supply, Inc. (AP&S), to perform night work along Miller Valley Road, Grove Avenue, and a portion of south Montezuma Street

The night work is expected to commence the week of September 20, 2010 and last for about two weeks.

City Code Title 5-4-2: Specific Acts Prohibited requires City Council approval for any night work after 8:00 PM Monday through Saturday.

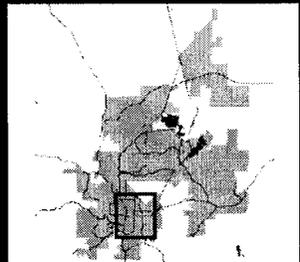
Attachment - Location Map

Recommended Action: **MOVE** to approve the request from Asphalt Paving & Supply, Inc. (AP&S), to perform night work along Miller Valley Road, Grove Avenue, and a portion of South Montezuma Street.



Legend

- Pavement Rehab 0710:
-  Pavement Rehab 0710
- abc: Streets Annotation 6900
-  Parcels

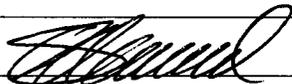


FY2011 PAVEMENT REHABILITATION REQUEST FOR NIGHT WORK

This map is a product of the
The City of Prescott GIS



COUNCIL AGENDA MEMO – September 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Award of bid and contract for the Virginia Street Sewer Replacement Project to A. Miner Contracting, Inc., in an amount not to exceed \$1,087,737.00, requiring Davis-Bacon wages.

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	09/07/10

Item Summary

This item is to approve a construction contract with A. Miner Contracting, Inc., Prescott, Arizona for the replacement of the sewer main in Virginia Street. (See attached map) The new sewer main will replace a shallow and deteriorated 6-inch sewer main in Virginia Street from Sheldon Street to Acker Park.

Background

Sewer Mainline Replacement Virginia Street

The City annually budgets funds for the replacement and/or rehabilitation of sewer mains identified as failing or high-maintenance through sewer system investigations, work order tracking and mainline camera reports. Replacement of these sewer mains will reduce maintenance costs, service calls, and overflows. New sewer services will be installed beyond the back of curb with the new mains. The sewer system improvement included in this project is:

Virginia Street - Install 3,330 LF 10" sewer main from Sheldon Street to Acker Park, 67 private sewer services, construct 17 new manholes, replace 5,675 SY of asphalt and abandon the existing 6-inch sewer main with adjoining services and manholes.

Trenchless technology (horizontal bore) will be used to reduce traffic impacts at Gurley Street.

Bid Results

On July 29, 2010, nine bids were received from companies in 6 different Arizona cities. The project was advertised requiring a base bid and bid alternate; the bid alternate requires the contractor to pay Davis-Bacon wages to workers on the project. Accepting the bid alternate with Davis-Bacon wages will allow the City to obtain project financing through Water Infrastructure Financing of Arizona (WIFA). Base bids and Davis-Bacon bids are listed below:

Agenda Item: Award of bid and contract for the Virginia Street Sewer Replacement Project to A. Miner Contracting, Inc., in an amount not to exceed \$1,087,737.00, requiring Davis-Bacon wages.

<u>Company</u>	<u>Location</u>	<u>Base Bid</u>	<u>Davis-Bacon Bid</u>
A Miner Contracting	Prescott, AZ	\$1,087,737.00	\$1,087,737.00
CLM Earthmovers, LLC	Prescott, AZ	\$1,163,536.91	\$1,199,536.91
Tierra Contracting Inc.	Glendale, AZ	\$1,192,996.00	\$1,224,285.88
Fann Contracting, Inc.	Prescott, AZ	\$1,168,181.00	\$1,236,168.00
Eagle Mountain Construction	Flagstaff, AZ	\$1,248,194.50	\$1,295,864.50
Michael J Valente Contracting	Phoenix, AZ	\$1,315,592.12	\$1,346,702.33
Asphalt Paving & Supply, Inc.	Prescott Valley, AZ	\$1,391,540.25	\$1,484,445.00
T & T Construction	Fountain Hills, AZ	\$1,783,018.50	\$1,783,018.50
Technology Construction	Prescott, AZ	\$1,807,000.00	\$1,969,000.00
Engineer's Estimate			\$1,521,950.00

Written confirmation of bid has been received from low bidder A. Miner Contracting. Verification of the company's license, bonding, references, and successful performance of similar projects in the past has been completed.

Project Schedule

Commence Construction	September, 2010
Completion	January, 2011

Budget

FY11 funding was budgeted and is available for the project from Sewer Fund Account No. 7207810-09597.

Attachments - Location Map

Recommended Action: **MOVE** to award the bid and contract for the Virginia Street Sewer Replacement Project to A. Miner Contracting, Inc., in an amount not to exceed \$1,087,737.00, requiring Davis-Bacon wages.

Virginia Street Replacement Project

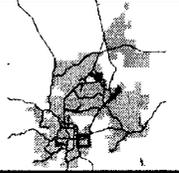
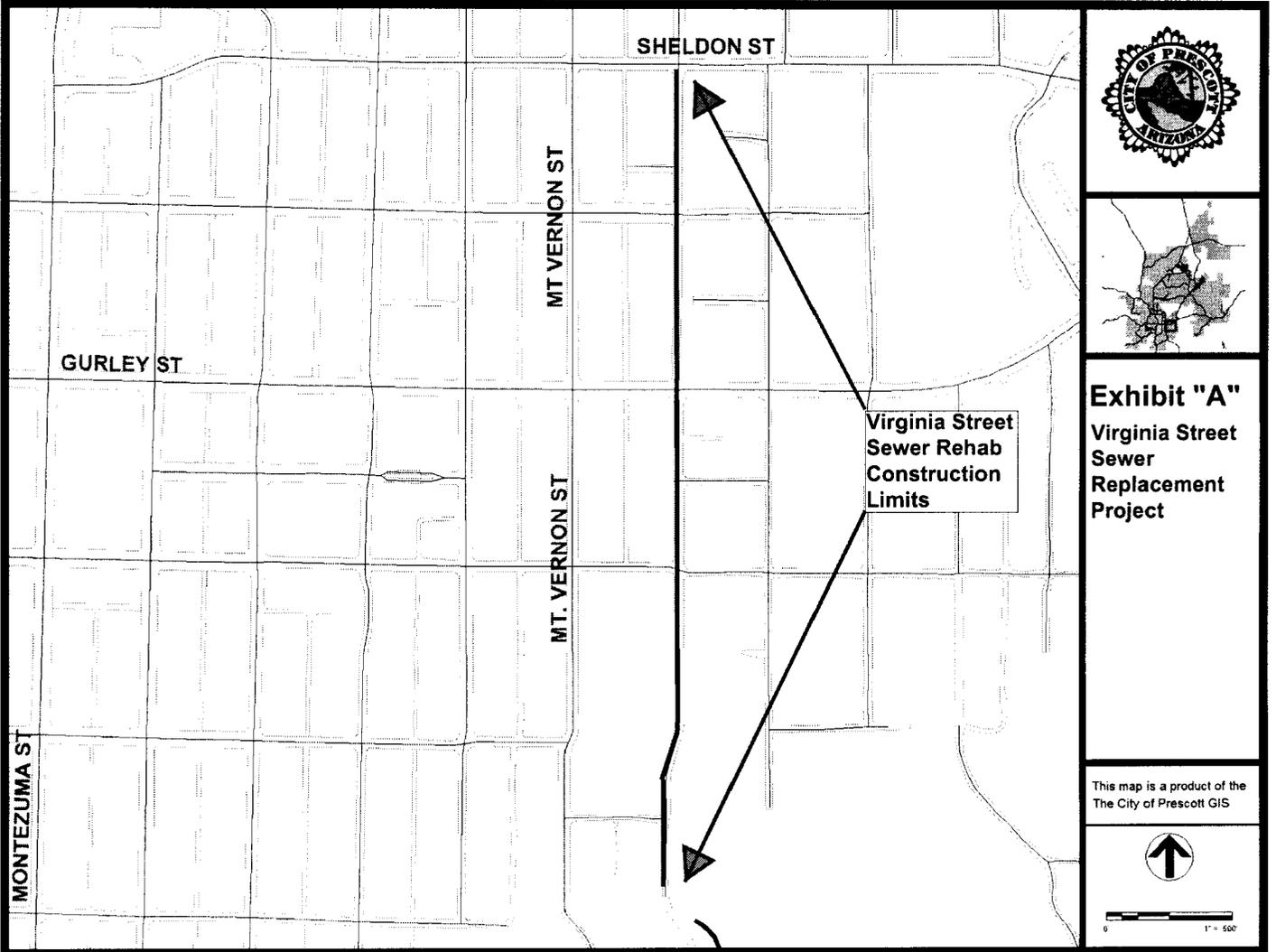


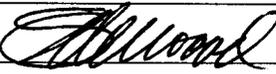
Exhibit "A"
Virginia Street
Sewer
Replacement
Project

This map is a product of the
The City of Prescott GIS



0 1" = 500'

COUNCIL AGENDA MEMO – September 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Adoption of Ordinance No. 4761-1112 authorizing purchase and acceptance of real property from One West Bank for right-of-way for the Williamson Valley Road Improvement Project

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	09/08/10

Item Summary

Approval of this ordinance would acquire right-of-way necessary for the Williamson Valley Road Improvement Project. Upon approval of the ordinance and associated closings, (4) four 17' dedication parcels remain to be acquired. The ordinance contains the emergency clause to expedite escrow and closing on this parcel.

Background

Exhibit "A" (attached) provides a summary of the acquisition, involving One (1) parcel of real property and identifies property owner, address, assessors parcel number, areas and type of acquisition, compensation (including where applicable real property improvements and severance) and other terms and conditions for this acquisition. The agreement amounts are based on appraisal or competitive market data provided by Michael Wolf Real Estate Appraisal Services, State Certified Appraiser, the appraisal firm retained by the City for this project. Copies of the actual agreements are available in the City Clerks Office; compensation worksheets are on file at the Public Works office.

Budget

The FY 11 Streets Capital Improvement Program includes \$6,008,215.00 for the Williamson Valley Road Project (Account No. 2155400-8925-09528 for right-of-way; source – One Cent Sales Tax for Streets and Open Space). The total amount required for the acquisitions listed on Exhibit "A" is \$47,800.00 plus closing costs estimated between \$200 and \$1000 for this closing. The actual closing costs will determine the final amount for the transaction.

- Attachments**
- Exhibit "A" summary of acquisition
 - Ordinance No. 4761-1112

Recommended Action: Move to adopt Ordinance No. 4761-1112.

ORDINANCE NO. 4761-1112

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM ONE WEST BANK (MICHAEL POMPA) FOR THE WIDENING OF WILLIAMSON VALLEY ROAD, AUTHORIZING THE MAYOR AND CITY STAFF TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAID PURCHASES AND DEDICATION; AND DECLARING AN EMERGENCY

RECITALS:

WHEREAS, the City Council has determined that certain real properties, easements and improvements are needed by the City for the widening of Williamson Valley Road; and

WHEREAS, the proposed purchase prices of the following described properties, easements and improvements are deemed to be fair and equitable and will benefit the City of Prescott.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT the City Council hereby accepts the offer to purchase that certain real property more particularly described in a certain Agreement for Sale of Real Property dated August 30, 2010, from One West Bank (Michael Pompa), which property consist of: (1) real property as described in Exhibits A and B thereto; located in APN 115-01-001F (2010), and the City agrees to purchase said property from One West Bank pursuant to the terms and conditions as set forth therein, for the purchase price of \$47,800.00 plus closing costs.

SECTION 2. THAT the immediate operation of the provisions of this Ordinance is necessary for the immediate preservation of the public peace, health or safety, and that an EMERGENCY is hereby declared to exist; and THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 14th day of September, 2010.

MARLIN D. KUYKENDALL Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

**Williamson Valley Road Rights-of-Way
Acquisition Summary
September 14, 2010**

Owner Name	Property Address	Assessor Parcel No	Acquisition ROW / Easements	Compensation	Other Terms and Conditions
One West Bank Michael Pampa	2299 Shadow Ridge Drive Prescott, AZ. 86305	115-01-001F	R/W= 30,432.7 SF	\$47,800.00	Includes loss of Landscaping
			Total	\$47,800.00	

SF = Square Feet
R/W = Right-of-Way
Drn Esmt = Drainage Easement
Slp Esmt = Slope Easement
TCE = Temporary Construction Easement
SE = Sewer Easement
QC = Quit Claim

**When recorded, mail to:
City of Prescott
City Clerk
P.O. Box 2059
Prescott, AZ. 86302**

**CITY OF PRESCOTT
AGREEMENT FOR SALE OF REAL PROPERTY**

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT, dated this day of 30th, August, 2010, by and between One West Bank (hereinafter referred to as the "Seller"), owning the property at 2299 Shadow Ridge Drive, , Prescott, AZ 86305, aka 115-01-001F, and the CITY OF PRESCOTT, an Arizona municipality (hereinafter referred to as "Buyer").

IN CONSIDERATION OF THE COVENANTS HEREIN CONTAINED, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

- 1) Seller agrees to sell and convey to the Buyer, and Buyer agrees to purchase from Seller, the real property described in Exhibit "A" and illustrated on Exhibit "B" for public right-of-way.
- 2) The total purchase price for the public right-of-way, is (\$47,800.00), Forty Seven Thousand Eight Hundred and no/100 dollars, (which includes \$26,100 for landscaping loss) payable upon the close of escrow.
- 3) The Buyer agrees as follows:
 - (A) Complete street construction per plans and specifications.
- 4) The Seller warrants that Seller is the owner of a good and fee simple title to the property herein sold, free and clear of all liens and encumbrances, subject only to the following:
 - (A) Applicable zoning regulations.
 - (B) Utility, drainage and other easements of record in the records of the Yavapai County Recorder.
 - (C) Mineral rights reserved in the patents to the land.
 - (D) Mortgage loan.

[Signature]
City Manager

Buyer _____

Seller *[Signature]*
Seller _____

- 5) In order to effectuate the terms of this Agreement, Seller and Buyer shall promptly execute and deliver any and all documents required by the City.
- 6) The closing of escrow shall be at a Title Company designated by the Buyer as soon as possible after approval of this Agreement by the Prescott City Council. On the Closing Date, Buyer shall make payment as provided in Section 2 of this Agreement to the Seller. The Buyer shall pay all recording and transfer taxes and fees, including the cost of recording the right-of-way and any and all closing costs not hereinbefore specified.
- 7) Buyer shall be entitled to use of the right-of-way and easements as depicted in Exhibits "A" and illustrated on Exhibit "B", for construction and maintenance of roadway improvements, upon the approval of this agreement by the Prescott City Council.
- 8) Buyer understands that the foregoing sets forth the entire agreement between the parties and that no agent or representative of Seller has any authority to change or modify this agreement in any manner, or to make any agreement or representation on behalf of the Seller not set forth herein.
- 9) Pursuant to A.R.S. §38-511, the City of Prescott may cancel this contract, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the City of Prescott is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract. In the foregoing event, the City of Prescott further elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this contract on behalf of the City of Prescott from any other party to the contract, arising as a result of this contract.
- 10) This Agreement is subject to the approval by the Prescott City Council of an Ordinance authorizing the purchase of the right of way contemplated herein.
- 11) All notices to Buyer shall be sent to: City of Prescott, c/o City Clerk, Post Office Box 2059, Prescott, Arizona 86302, with a copy to the Director of Public Works, Post Office Box 2059, Prescott, Arizona 86302.
- 12) All notices to the Seller shall be sent to: One West Bank, 2900 Esperanza Crossing, 3rd. Floor, Austin, TX 78758

DATED THIS 30 Day of August, 2010.

Print: _____
 It's: _____
 One West Bank
 Buyer: [Signature]

Print: Michelle Poupas
 It's: [Signature]
 One West Bank

Seller: [Signature]
 Seller: Michelle Poupas
 Seller: Branch Asset Manager

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2010, by _____, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that she executed it.

[Seal]

Notary Public

My commission expires:

State of Texas)
) ss.
County of Travis)

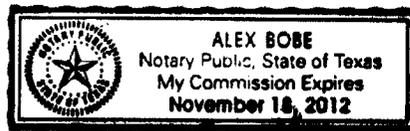
The foregoing instrument was acknowledged before me this 30 day of August, 2010, by Michael Pompe, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that she executed it.

[Seal]

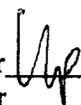


Notary Public

My commission expires:



Buyer 

Seller 
Seller _____


MARK J. NIETUPSKI, Director of Public Works

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE City Clerk

GARY D. KIDD City Attorney

Buyer 

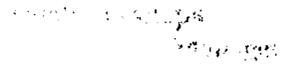

Seller 
Seller _____

EXHIBIT 'A'

115-01-001F

RIGHT-OF-WAY

All that portion of Section 19, Township 14 North, Range 02 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the Northeast corner of said Section 19, being a found BLM brass cap;

Thence S 89°47'00" W, 14.75 feet, along the North line of Section 19;

Thence S 43°27'32" W, 5.02 feet, to the Point of Beginning;

Thence continuing S 43°27'32" W, 83.67 feet;

Thence Southwesterly on a non-tangent curve to the left having a chord bearing of S 37°57'31" W, a chord length of 97.37 feet, a central angle of 11°00'00", and a radius of 507.95 feet;

Thence S 57°32'29" E, 12.00 feet;

Thence Southwesterly on a non-tangent curve to the left having a chord bearing of S 23°45'43" W, a chord length of 149.98 feet, a central angle of 17°23'37", and a radius of 495.95;

Thence S 15°03'55" W, 379.55 feet;

Thence Southwesterly on a non-tangent curve to the left having a chord bearing of S 13°29'31" W, a chord length of 44.17 feet, a central angle of 03°08'48", and a radius of 804.36 feet, to the North line of that parcel described in Book 4107, Page 08, of the Official Records of the Yavapai County Recorder, Yavapai County, Arizona;

Thence N 64°21'48" W, 41.12 feet, along the North line of said parcel;

Thence Southwesterly on a non-tangent curve to the left having a chord bearing of S 04°18'30" W, a chord length of 272.52 feet, a central angle of 17°04'24", and a radius of 917.93 feet;

Thence S 04°13'00" E, 140.28 feet;

Thence Southeasterly on a non-tangent curve to the left having a chord bearing of S 04°39'05" E, a chord length of 16.83 feet, a central angle of 00°52'11", and a radius of 1108.92 feet;

Thence S 84°54'00" W, 4.00 feet, to the East right-of-way of Williamson Valley Road;

Thence Northwesterly along the East right-of-way of Williamson Valley Road on a non-tangent curve to the right having a chord bearing of N 04°39'05" W, a chord length of 16.89 feet, a central angle of 00°52'10", and a radius of 1112.92 feet;

Continued on next page.

EXHIBIT 'A'

115-01-001F

Thence N 04°13'00" W, 140.28 feet, along the East right-of-way of Williamson Valley Road;

Thence Northeasterly along the East right-of-way of Williamson Valley Road on curve to the right having a chord bearing of N 05°24'47" E, a chord length of 308.82 feet, a central angle of 19°20'00", and a radius of 921.93 feet;

Thence N 15°04'00" E, 380.80 feet, along the East right-of-way of Williamson Valley Road;

Thence Northeasterly along the East right-of-way of Williamson Valley Road on a non-tangent curve to the right having a chord bearing of N 28°04'15" E, a chord length of 242.79 feet, a central angle of 25°59'05", and a radius of 539.96 feet;

Thence S 48°57'11" E, 4.00 feet;

Thence Northeasterly on a non-tangent curve to the right having a chord bearing of N 43°40'54" E, a chord length of 49.27 feet, a central angle of 05°16'08", and a radius of 539.96 feet;

Thence N 46°19'00" E, 23.77 feet;

Thence Northeasterly on a non-tangent curve to the right having a chord bearing of N 46°12'44" E, a chord length of 8.64 feet, a central angle of 00°10'14", and a radius of 2901.79 feet;

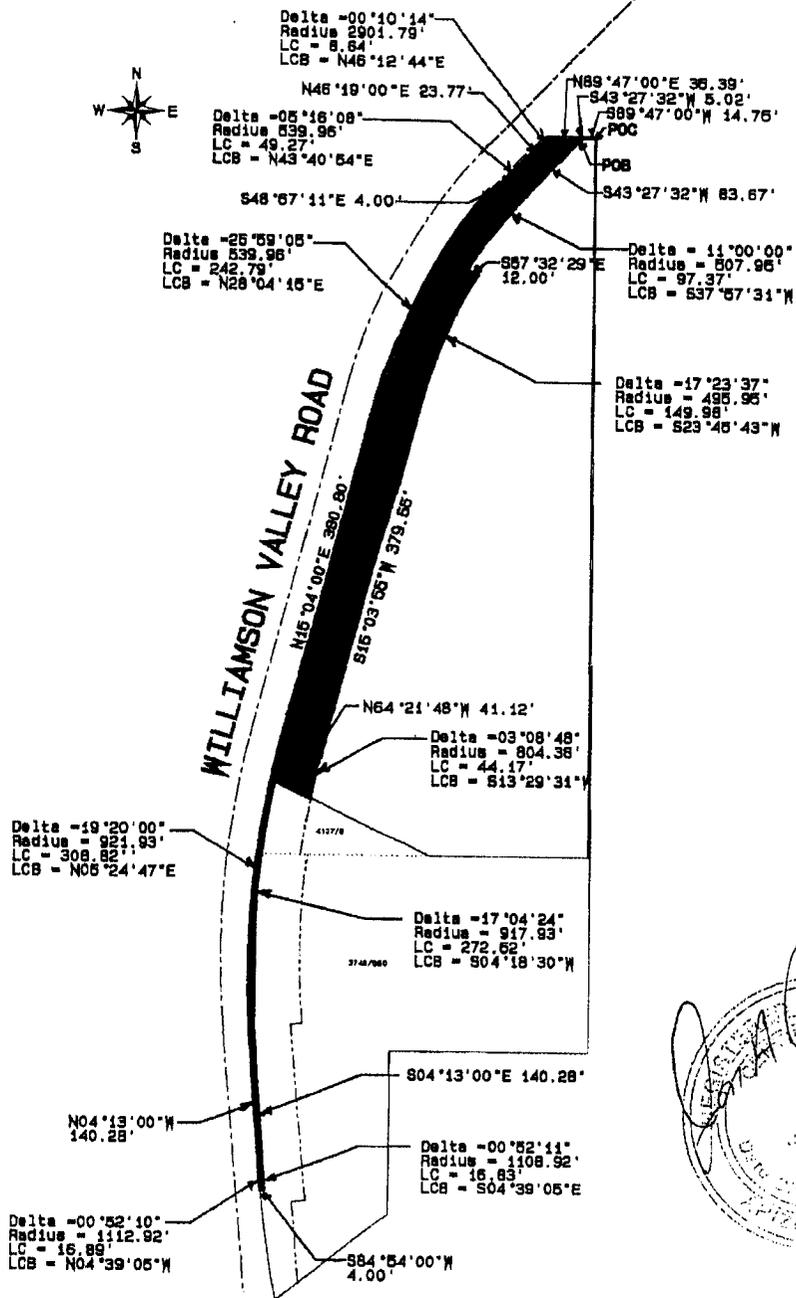
Thence N 89°47'00" E, 35.39 feet, to the Point of Beginning.

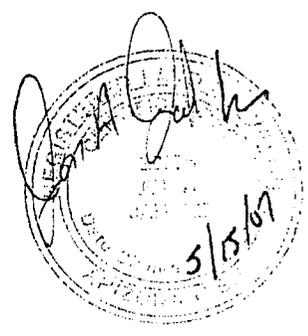


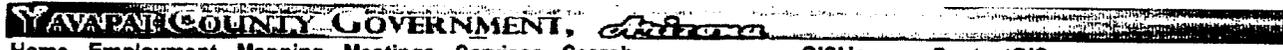
EXHIBIT 'B'

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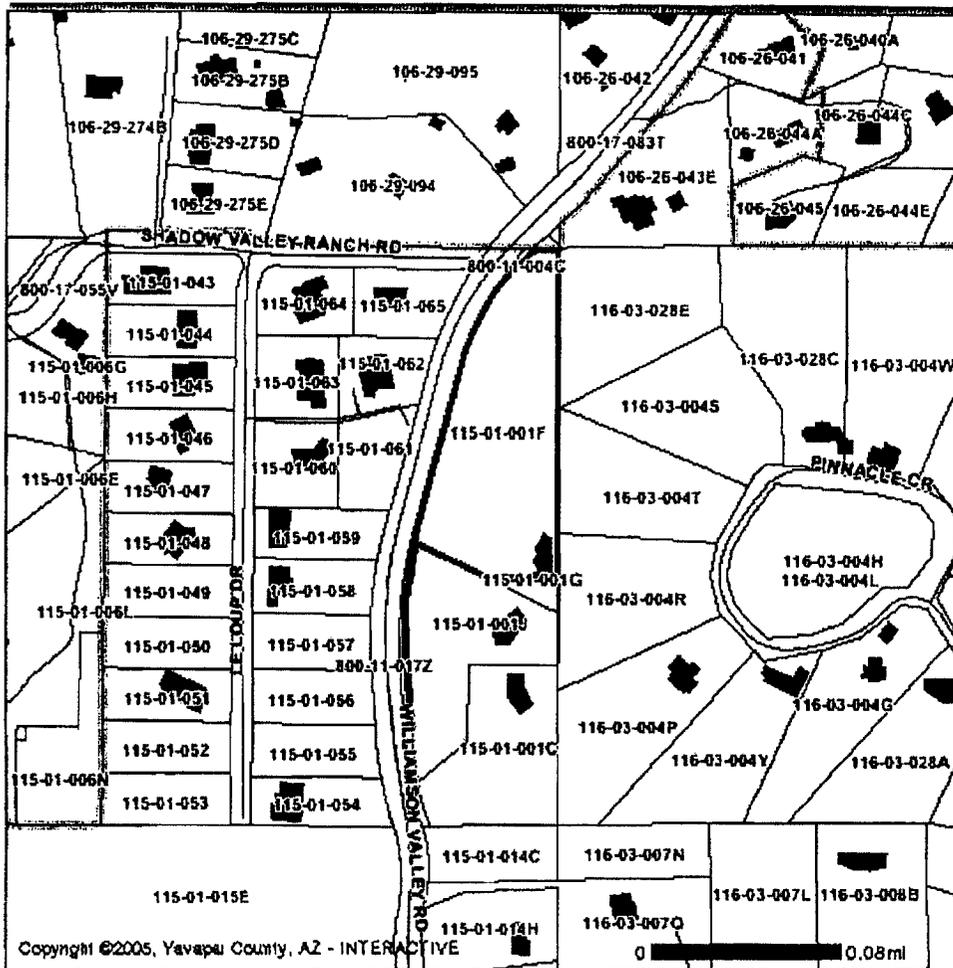

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Owner Information

Owner(Primary)
MCFARLAND L KEITH

Owner(Secondary)
N/A

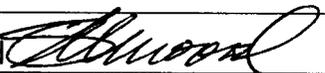
Owners Address
1820 WINDY WALK LANE

Owner City **Owner State** **Owner Zip**
PRESCOTT AZ 86305

Recent Sale Information

Date	Sale Amount	
11/1/2003	\$159,000	
Deed Type	Sale Docket	Sale Page
Warranty Deed	4116	921

COUNCIL AGENDA MEMO – September 14, 2010
DEPARTMENT: Public Works
AGENDA ITEM: Adoption of Resolution No. 4046-1116 to amend Traffic Calming Policy and Procedures

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood 	09/08/10

Item Summary

Approval of this item will update the existing Traffic Calming Policy and Procedure guidelines and adopt it in its modified version.

Background

Since its adoption by Council in November 2004, the traffic calming policy has been used as the policy document for all traffic calming installations within the City. During this time staff has monitored the adequacy of the policy to ensure it balances the need to calm traffic for the requestor(s) while still allowing the transportation system to move traffic efficiently and meet the policy directives of the City Council. Based on experience with the policy and current practice in other similar sized cities staff has proposed various changes and additions to the policy for Council's consideration. These include:

- Require a petition process for all traffic calming requests. Previously only speed humps and half and full road closures required this. This change ensures that any calming proposed be agreed upon by a minimum of 75% of the affected properties on the street.
- Adopt the 2010 Functional Classification Map and provide for a process by which it is updated by the Transportation Coordinating Committee (TCC) as needed and forwarded to Council for their adoption.
- Implement new general installation criteria that include considerations for zoning and land use, sight distance near proposed calming installations and restrictions on calming installations that divert traffic from one neighborhood street to another at levels that trigger additional calming on that street.
- Implement threshold measurements of speed for traffic calming locations that request speed control measures. This includes meeting an 85th percentiles speed on a residential street that is greater than 7 miles per hour over the posted speed limit.

Agenda Item: Adoption of resolution No. 4046-1116 to amend Traffic Calming Policy and Procedures

- Implement threshold measurements of volume and “cut through” traffic for traffic calming locations that request traffic diversion measures. This includes meeting a threshold volume of 700 trips per day and at least 25% of those must be “cut through”.
- All traffic calming requests shall have a public meeting with notification to owners in affected area in writing, and public service announcements and local sign notifications to the general public
- All traffic calming action plans approved by the TCC contemplating installation of physical traffic calming devices shall be presented to City Council at a regularly scheduled Council meeting.

Based on this information Council has several options regarding this issue

- A. Adopt Resolution No. 4046-1116 as presented.
- B. Adopt Resolution No. 4046-1116 as changed at meeting.
- C. Leave the existing Traffic Calming Policy in place, unchanged.

Attachments

- Resolution No. 4046-1116
- Traffic Calming Policy & Procedures 2010 – Marked up version

Recommended Action: MOVE to adopt Resolution No. 4046-1116.

RESOLUTION NO. 4046-1116

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, REPEALING RESOLUTION NUMBER 3637 AND ADOPTING A NEW COUNCIL POLICY REGARDING A TRAFFIC CALMING POLICY AND PROCEDURES

RECITALS:

WHEREAS, the City Council of the City of Prescott adopted a revised Council policy regarding traffic mitigation on residential streets pursuant to Resolution Number 3637; and

WHEREAS, the City of Council of the City of Prescott wishes to revise the foregoing policy.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. THAT Resolution Number 3637 is hereby repealed in its entirety.

Section 2. THAT the Prescott City Council hereby adopts the "Traffic Calming Policy and Procedures, attached hereto as Exhibit "A".

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 14th day of September, 2010.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

EXHIBIT 'A'

CITY OF PRESCOTT

**TRAFFIC CALMING
POLICY & PROCEDURES**

**ADOPTED BY
PRESCOTT CITY COUNCIL
(May 2010)
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5.6. EVALUATION/MODIFICATION/REMOVAL

Evaluation
Modification
Removal

EXHIBIT I - FUNCTIONAL CLASSIFICATION MAP (2010)

1. INTRODUCTION

CONTACT INFORMATION

For additional information regarding this policy or any traffic calming related question please call Ian Mattingly, City Traffic Engineer at (928)777-1130.

PURPOSE

The purposes of this document are to promulgate policy of the City Council regarding the deployment of traffic calming measures on those streets for which the City of Prescott has operational jurisdiction; and set forth uniform application and processing procedures.

TRAFFIC CALMING DEFINITION

“Traffic Calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users” (Source: Institute of Transportation Engineers).

STATEMENT OF CITY COUNCIL POLICY ON TRAFFIC CALMING

It is the policy of the City Council to preserve and enhance, where practicable, mobility within the community for all modes of transportation, while achieving an appropriate balance among traffic circulation, traffic safety, public safety response, and quality of life, particularly within residential areas, through measures deployed to affect travel routes, traffic volumes, and speeds. In the event of substantial conflict between public safety response and such measures, observed or projected, preserving public safety response shall be given priority.

PROGRAM GOALS AND OBJECTIVES

Traffic calming goals of the City of Prescott include:

- creating safer residential streets for the benefit of affected residents, pedestrians and bicyclists.
- reducing the adverse effects of cut through motor vehicle traffic on adjacent residents
- preserving the quality of life

Traffic calming policy objectives include:

- maintaining response times for emergency vehicles
- reducing the 85th% speeds on local residential streets to within 5MPH of the posted speed limit
- reroute non-local traffic to achieve volumes which have no more than 20% cut through volume
- reducing demand for traffic enforcement by the Police Department
- improving safety and the perception of safety for pedestrians and bicyclists who use City streets

PUBLIC SAFETY

The Police and Fire Departments of the City have determined that due to Prescott's unique street network, varied and often difficult terrain, capacity and connectivity shortcomings of arterial and collector streets, and narrow street widths in various areas, emergency response time requirements must be given priority in considering the design and deployment of traffic calming measures.

FUNDING

Funding for traffic calming will, in general, be identified as appropriations for specific projects within the annual operating and capital improvement budgets of the Public Works Department. Funding for implementing undesignated projects, following final approval to proceed, will be on a first-come-first-served basis with respect to budget availability.

IMPLEMENTATION RESPONSIBILITIES

The Public Works Department, with the assistance of the Transportation Coordinating Committee (TCC), an advisory committee to the City Council on traffic matters, shall be responsible for implementation of this policy.

2. FUNCTIONAL CLASSIFICATION MAP

ADOPTION

As a part of this Policy the City Council acknowledges and approves the Functional Classification Map (2010) for the city street system appended hereto and made a part hereof as Exhibit I. This map, which may be amended from time to time by TCC, and forwarded to Council for adoption shall be consulted in determining the type of calming device, if any, which may be considered for use on a particular street for which a request has been made. Processing of a request for traffic calming pertaining to a street which is not indicated as a collector on the Functional Classification Map, but has attributes of a collector, will necessitate evaluation and determination of the functional classification by TCC.

3. TRAFFIC CALMING “TOOLBOX”

TRAFFIC CALMING DEVICES AND APPLICATION WITHIN THE CITY

<u>Calming Device</u>	<u>Device Description</u>
Center Island	Raised islands along the centerline of a street which Narrowing narrow the travel lanes at that location. <u>Use:</u> On local, minor collector, or major collector streets.
Chicane	A series of narrowing's or curb extensions that alternate from one side of the street to the other forming S-shaped curves. <u>Use:</u> On local, minor collector, or major collector streets.
Choker	Curb extensions at mid-block or intersection corners that narrow a street by extending the sidewalk or widening the planting strip. <u>Use:</u> On local or minor collector streets
Closure	Full, or partial closures, and typically applied only after other measures have failed or been determined inappropriate. <u>Use:</u> Only on local streets after other measures have been determined to be ineffective.
Speed Hump	Rounded raised areas of pavement typically 12 to 14 feet in length; normally installed in a series. <u>Use:</u> Only on local streets.

- Speed Table** Long raised humps with a flat section in the middle, and ramps on the ends; sometimes constructed with brick or other textured materials on the flat section.
Use: Only on local streets.
- Raised Intersections** Flat raised areas covering entire intersections, with ramps on all approaches, and often with brick or other textured material on the flat section and ramps.
Use: Only on local streets.
- Traffic Circle** Sometimes called neighborhood circles; raised circular islands usually placed at local street intersections around which traffic must navigate.
Use: Local street intersections.
- Turn Restrictions** Restrictions mainly through signing and striping by which specific turn movements are prohibited.
Use: On local, minor collector, or major collector streets.

Limited use of other types of traffic calming devices may be approved in the case of exceptional circumstances, following evaluation of measures on the preceding list and a conclusion that such measures would be ineffective or objectionable.

4. TRAFFIC CALMING CRITERIA/PETITION REQUIREMENTS

This section describes those conditions which must be met in order to ensure that traffic calming is implemented only on streets where it is appropriate, that have traffic conditions which warrant mitigation, and are supported by the majority of local residents in the affected area.

GENERAL INSTALLATION CRITERIA

All streets being considered for traffic calming installations shall meet these general qualifications prior to determining if they meet the petition, speed and volume criteria.

- The street must not be designated as an emergency response route, bus route or truck route or identified as an arterial roadway on the most recent addition of the adopted Street Classification Map.
- The proposed traffic calming measure shall only be considered on the appropriate corresponding street classification as listed in the "Traffic Calming Toolbox" contained in this document.
- Roadways classified as minor collector or major collector must have 75% residential zoning or land use for traffic calming consideration.

- An appropriate street location for the device(s) shall be available. Appropriate distance from driveways, manholes, drain inlets, water valves, street monuments, fire hydrants and other appurtenances shall be considered.
- Devices shall be installed only where a minimum safe stopping sight distance can be provided.
- Installation must not result in traffic diversions to other neighborhood streets which would trigger traffic calming measures on those streets.

PETITION REQUIREMENTS

Any traffic calming measure must receive area-wide support, as demonstrated by submittal of petitions showing that at least 75 percent of the residents and/or businesses affected favor implementation. In addition, 100 percent of the properties directly fronting or adjacent to the traffic calming measure to be constructed in a street must be in favor of the traffic calming measure. Only one signature per household or business will be counted to determine the 75 percent approval. The Department will provide standard petition forms and any related exhibits to be attached to the petition, and will provide the boundary of the area for which the petition is to be circulated. When necessary the petition area boundary must include streets to which traffic may be diverted due to implementation of a traffic calming measure on another street. Persons circulating petitions must attempt to contact all affected residents or business owners. Completed petitions must show signatures from at least 90 percent of the households or businesses in the petition area (including both persons in favor of and persons opposed to the proposed traffic calming measure).

SPEED CONTROL CRITERIA

Traffic calming measures designed to reduce speeds include: speed humps, traffic circles, chokers, raised intersections, etc. In addition to the general requirements stated for all traffic calming measures, the following criteria must be met to consider the installation of measures intended to slow traffic speeds.

- The 85th percentile speed on a residential street must be greater than 7 miles per hour over the posted speed limit

The 85th percentile speed is the speed at which 15 percent of the vehicles on the roadway exceed. This speed is important because it is used to determine speed limits, which must be set at reasonable levels to achieve compliance.

TRAFFIC DIVERSION CRITERIA

Traffic calming measures designed to create diversions include: turn restrictions, diverters, median islands, etc. In addition to the general criteria stated for all traffic

calming measures, the following criteria must be met to consider the installation of measures intended to divert traffic.

- The Average Daily Traffic (ADT) volume on the street must exceed, 700 trips per day. Since traffic counts can fluctuate by ten percent or more on any given day, any study that results in a volume range between 630 to 700 trips per day may justify additional traffic analysis.
- At least 25% of the daily traffic on a residential street must be "cut through".
- Special consideration may be given to streets that do not meet the 700 trips per day criteria but have 100 trips or more during the peak hour, with at least 40% of those "cut-through".

5. TRAFFIC CALMING REQUEST PROCEDURE

REQUEST

Any person requesting installation of traffic calming measures on the street where they reside and own real property may submit a written request to the Public Works Department (hereinafter, the "Department").

REVIEW FOR CONSISTENCY WITH POLICY; INITIAL TCC DISCUSSION

The Department shall receive the request, log in, and review it for consistency with this Policy. In the event the request is not consistent, the requester shall be so notified, and no further action shall be taken.

Requests determined to be consistent with this Policy will be placed on a future agenda of the TCC for a brief discussion of what type(s) of device(s) may be appropriate, a review of the traffic conditions and the petition requirements.

CONCEPTUAL TRAFFIC CALMING PLAN

Following the initial TCC meeting the Department shall prepare a technical report for TCC consideration, to include a preliminary traffic calming plan. Prior to further TCC discussion, the Department shall route the report to the Police, Fire, and Field Operations Departments for their review and comment.

REVIEW OF TECHNICAL REPORT; NOTIFICATION OF AREA RESIDENTS

At a second meeting the TCC will review the report, and comments of the Police and Fire Departments; decide whether the calming request should proceed further; and if so, discuss the conceptual plan, determine the affective geographical area, and request that the Department notify residents of that area of the request. The means of

notification will be determined on a case by case basis, and may include letters to property owners, and/or a public meeting.

PUBLIC MEETING AND ACTION BY TCC

All requests for traffic calming measures shall have a public meeting with notification of all owners in the affected area in writing by the Department, and general public notification through Public Service Announcements (PSA'a), and local sign notifications.

The TCC shall take final action on the request following the public meeting by either adopting an action plan for consideration by City Council, or determining that no measures should be implemented.

CITY COUNCIL REVIEW

The City Council shall be notified at a regularly scheduled Council Meeting in all cases where the TCC approves an action plan contemplating installation of physical traffic calming devices

FUNDING AND INSTALLATION

Installation of traffic calming devices is subject to the availability of funding within the current approved fiscal year budget, and work backlog of the Department.

6. EVALUATION/MODIFICATION/REMOVAL

EVALUATION

No more than one year after installation of a traffic calming device(s), the Department shall prepare a report evaluating the safety, effectiveness, and overall neighborhood impacts of the project. The report shall be provided to the TCC for discussion, and to the City Council with a summary of the TCC discussion as an endorsement.

MODIFICATION

Should, in the determination of the Department, a potentially hazardous condition be created by any traffic calming project, immediate action to abate such situation may be taken, to include modification or removal of the device(s). Notice will be sent to affected property owners when reasonable, considering the circumstances.

REMOVAL

Property owners within the previously determined affected geographical area may, upon submission of a petition signed by 75% of such owners, request removal of traffic calming devices. Only one signature per affected property shall be counted.

In the event a valid petition is received, the Department, in consultation with TCC, shall determine what action should be taken on the petition; and notify the City Council in writing of any such action planned to be taken. In a manner similar to that for installation, the City Council may opt to either consider and take action on the proposed removal, or not review the request, in which case the action planned to be taken by the Department may proceed.

City of Prescott Street Classification

2010

Major Arterials: Facilitate relatively long trip lengths at moderate to high operating speeds with somewhat limited access to adjacent properties. Major arterials generally serve major centers of activity in urban areas and have the highest traffic volume corridors. These streets are often major gateways to the community.

- 1 Pioneer Parkway
- 2 Pioneer Parkway Extension
- 3 SR 69
- 4 SR89A
- 5 SR 89

Minor Arterials: Provide somewhat shorter trip lengths than major arterials, generally interconnect with and augment major arterial routes at moderate operating speeds, and allow somewhat greater access to adjacent properties than major arterials.

- | | | | |
|----|---|----|------------------------|
| 1 | Grove Street | 14 | Tribal Connector |
| 2 | Glassford Hill | 15 | Whipple Street |
| 3 | Glassford Hill Extension | 16 | Williamson Valley Road |
| 4 | Great Western Road
(Santa Fe Road to Glassford Hill Extension) | 17 | Willow Creek Road |
| 5 | Gurley Street | 18 | Willow Lake Road |
| 6 | Iron Springs Road | 19 | White Spar |
| 7 | Montezuma Street | | |
| 8 | Miller Valley Road | | |
| 9 | Mt. Vernon Street | | |
| 10 | Prescott Lakes Parkway | | |
| 11 | Santa Fe Loop (SR69 to Great Western Road) | | |
| 12 | Sheldon Street | | |
| 13 | SR69/SR89 Connector | | |

Major Collectors: Collect and distribute significant amounts of traffic between arterials, minor collectors and local streets at moderate to low operating speeds. Major collectors provide for more accessibility to adjacent properties than arterials.

- | | | | |
|----|---|----|---|
| 1 | Airport Loop Road | 15 | Rosser Street |
| 2 | Blooming Hills Drive | 16 | Ruger Road |
| 3 | Commerce Drive | 17 | Ruth Street |
| 4 | Copper Basin Road | 18 | Santa Fe Loop (N of Great Western Road) |
| 5 | Fair/ Hillside | 19 | S. Blooming Hills Drive |
| 6 | Gail Gardner Way | 20 | Senator Highway |
| 7 | Gateway Blvd | 21 | Side Road |
| 8 | Great Western Road (N of Glfrd Hill Ext.) | 22 | Side Road Extension |
| 9 | Larry Caldwell Drive/Wilkinson | 23 | 6th Street/Merritt |
| 10 | Lee Blvd (SR69 to Rainbow Ridge Drive) | 24 | Smoketree Lane |
| 11 | Melville Road | 25 | Thumb Butte Road |
| 12 | Old Black Canyon Road | 26 | Walker Road |
| 13 | Park Avenue | 27 | Wilkinson Drive |
| 14 | Pleasant Street (6th to Sheldon) | | |

Minor Collectors: Collect and distribute moderate amounts of traffic between arterials, major collectors and local streets at relatively low operating speeds with greater accessibility than major collectors.

1	Bradshaw Drive	19	Nolte Drive
2	Centerpoint East	20	Northridge Drive
3	Coronado Avenue	21	Oregon Avenue
4	Country Club Drive (Park Ave. to Plaza Dr.)	22	Pine Cove Road
5	Country Park Drive	23	Plaza Drive
6	Crossings Drive	24	Pulliam Drive
7	Delano Avenue (Campbell to Chestnut)	25	Robinson Drive
8	Demerse Avenue	26	Sandretto Drive
9	Downer Trail	27	Sarafina Drive
10	Green Lane	28	Sequoia Drive
11	Haisley Road	29	Sierry Peaks Drive
12	Hassayampa Village Ln	30	Sundog Ranch Road
13	Highland Avenue	31	Sunrise Blvd
14	Hornet Drive	32	Trail Walk
15	Idylwild Road	33	Washington Street (Sheldon to Roughrider)
16	Meadowridge Road	34	Westridge Drive
17	Mogollon Road	35	West Side Connector
18	Montana Drive	36	Yavapai Hills Road

Local Commercial Generally provide direct access to commercial properties. The commercial street usually has low volumes, speeds, trip lengths and minimal through traffic.

1	Ainsworth Drive	14	Crystal Lane	27	Lear Lane
2	Airport Entrance Rd	15	Dauntless Drive	28	Lee Circle
3	Assurance Way	16	Distinction Way	29	Liberator
4	Avenger Road	17	Dollar Mark Wy	30	Petroglyph Point
5	Centerfource	18	E-Z Street	31	Ranch Drive
6	Centerpoint West Dr	19	Excellence Way	32	San Fransisco Drive
7	Cirrus Drive	20	Gulfstream	33	Spire Drive
8	Commerce Circle	21	Henry Street	34	Spitfire Lane
9	Constellation Way	22	Industrial Way	35	Stearman Road
10	Corsair Avenue	23	Inter-Cal Way	36	Stillwater Drive
11	Cross Drive	24	Janine Drive	37	Taxi Way
12	Crossings Drive	25	Karicio Lane	38	Thunderbird Way
13	Crosswind Drive	26	Landmark Way	39	Tower Road

Local Street: Generally provide direct access to abutting properties. Local streets possess relatively low traffic volumes, operating speeds, trip lengths, and minimal through traffic movements.

All other streets are classified as local.

CITY OF PRESCOTT

**TRAFFIC CALMING
POLICY & PROCEDURES**

**ADOPTED BY
PRESCOTT CITY COUNCIL**

(~~November 2004~~ **MAY 2010)
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Exceptional Circumstances
Speed Humps
Public Meeting and Action by TCC
City Council Review
Funding and Installation

5.6. EVALUATION/MODIFICATION/REMOVAL

Evaluation
Modification
Removal

EXHIBIT I - FUNCTIONAL CLASSIFICATION MAP (2004-2010)

1. INTRODUCTION

CONTACT INFORMATION

For additional information regarding this policy or any traffic calming related question please call Ian Mattingly, ~~Traffic Engineering Technician~~ **CITY TRAFFIC ENGINEER** AT (928)777-1130.

PURPOSE

The purposes of this document are to promulgate policy of the City Council regarding the deployment of traffic calming measures on those streets for which the City of Prescott has operational jurisdiction; and set forth uniform application and processing procedures.

TRAFFIC CALMING DEFINITION

"Traffic Calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users" (Source: Institute of Transportation Engineers).

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It is the policy of the City Council to preserve and enhance, where practicable, mobility within the community for all modes of transportation, while achieving an appropriate balance among traffic circulation, traffic safety, public safety response, and quality of life, particularly within residential areas, through

measures deployed to affect travel routes, traffic volumes, and speeds. In the event of substantial conflict between public safety response and such measures, observed or projected, preserving public safety response shall be given priority.

PROGRAM GOALS AND OBJECTIVES

Traffic calming goals of the City of Prescott include:

- ~~preserving the quality of life~~
- ~~creating safer and more attractive residential streets~~
- ~~reducing adverse effects of motor vehicle traffic~~
- ~~promoting pedestrian and bicycle mobility~~
- **CREATING SAFER RESIDENTIAL STREETS FOR THE BENEFIT OF AFFECTED RESIDENTS, PEDESTRIANS AND BICYCLISTS.**
- **REDUCING THE ADVERSE EFFECTS OF CUT THROUGH MOTOR VEHICLE TRAFFIC ON ADJACENT RESIDENTS**
- **PRESERVING THE QUALITY OF LIFE**

Traffic calming policy objectives include:

- ~~achieving reasonable motor vehicle speeds and volumes on local residential streets~~
- ~~improving safety and the perception of safety for pedestrians and bicyclists who use City streets~~
- ~~reducing demand for traffic enforcement by the Police Department~~
- ~~maintaining response times for emergency vehicles~~
- **MAINTAINING RESPONSE TIMES FOR EMERGENCY VEHICLES**
- **REDUCING THE 85TH% SPEEDS ON LOCAL RESIDENTIAL STREETS TO WITHIN 5MPH OF THE POSTED SPEED LIMIT**
- **REROUTE NON-LOCAL TRAFFIC TO ACHIEVE VOLUMES WHICH HAVE NO MORE THAN 20% CUT THROUGH VOLUME**
- **REDUCING DEMAND FOR TRAFFIC ENFORCEMENT BY THE POLICE DEPARTMENT**
- **IMPROVING SAFETY AND THE PERCEPTION OF SAFETY FOR PEDESTRIANS AND BICYCLISTS WHO USE CITY STREETS**

PUBLIC SAFETY

The Police and Fire Departments of the City have determined that due to Prescott's unique street network, varied and often difficult terrain, capacity and connectivity shortcomings of arterial and collector streets, and narrow street widths in various areas, emergency response time requirements must be given priority in considering the design and deployment of traffic calming measures.

FUNDING

Funding for traffic calming will, in general, be identified as appropriations for specific projects within the annual operating and capital improvement budgets of the Public Works Department. Funding for implementing undesignated projects, following final approval to proceed, will be on a first-come-first-served basis with respect to budget availability.

IMPLEMENTATION RESPONSIBILITIES

The Public Works Department, with the assistance of the Transportation Coordinating Committee (TCC), an advisory committee to the City Council on traffic matters, shall be responsible for implementation of this policy.

2. FUNCTIONAL CLASSIFICATION MAP

ADOPTION

As a part of this Policy the City Council acknowledges and approves the Functional Classification Map (~~2004~~ 2010) for the city street system appended hereto and made a part hereof as Exhibit I. This map, which may be amended from time to time by TCC, **AND FORWARDED TO COUNCIL FOR ADOPTION** shall be consulted in determining the type of calming device, if any, which may be considered for use on a particular street for which a request has been made. Processing of a request for traffic calming pertaining to a street which is not indicated as a collector on the Functional Classification Map, but has attributes of a collector, will necessitate evaluation and determination of the functional classification by TCC.

3. TRAFFIC CALMING "TOOLBOX"

TRAFFIC CALMING DEVICES AND APPLICATION WITHIN THE CITY

<u>Calming Device</u>	<u>Device Description</u>
Center Island Narrowing	<p>Raised islands along the centerline of a street which narrow the travel lanes at that location.</p> <p><u>Use:</u> On local, minor collector, or major collector streets.</p>
Chicane	<p>A series of narrowing's or curb extensions that alternate from one side of the street to the other forming S-shaped curves.</p> <p><u>Use:</u> On local, minor collector, or major collector streets.</p>
Choker	<p>Curb extensions at mid-block or intersection corners that narrow a street by extending the sidewalk or widening the planting strip.</p> <p><u>Use:</u> On local or minor collector streets</p>
Closure	<p>Full, or partial closures, and typically applied only after other measures have failed or been determined inappropriate.</p> <p><u>Use:</u> Only on local streets after other measures have been determined to be ineffective.</p>
Speed Hump	<p>Rounded raised areas of pavement typically 12 to 14 feet in length; normally installed in a series.</p> <p><u>Use:</u> Only on local streets. in exceptional situations as described hereinafter. will not be approved on primary emergency response routes.</p>
Speed Table	<p>Long raised humps with a flat section in the middle, and ramps on the ends; sometimes constructed with brick or other textured materials on the flat section.</p> <p><u>Use:</u> Only on local streets. in exceptional situations as described hereinafter. will not be approved on primary emergency response routes.</p>
Raised Intersections	<p>Flat raised areas covering entire intersections, with ramps on all approaches, and often with brick or other textured material on the flat section and ramps.</p> <p><u>Use:</u> Only on local streets. in exceptional situations as described hereinafter. will not be approved on primary emergency response routes.</p>

Traffic Circle Sometimes called neighborhood circles; raised circular islands usually placed at local street intersections around which traffic must navigate.

Use: Local street intersections.

TURN RESTRICTIONS RESTRICTIONS MAINLY THROUGH SIGNING AND STRIPING BY WHICH SPECIFIC TURN MOVEMENTS ARE PROHIBITED.

USE: ON LOCAL, MINOR COLLECTOR, OR MAJOR COLLECTOR STREETS.

Limited use of other types of traffic calming devices may be approved in the case of exceptional circumstances, following evaluation of measures on the preceding list and a conclusion that such measures would be ineffective or objectionable.

4. **TRAFFIC CALMING CRITERIA/PETITION REQUIREMENTS**

THIS SECTION DESCRIBES THOSE CONDITIONS WHICH MUST BE MET IN ORDER TO ENSURE THAT TRAFFIC CALMING IS IMPLEMENTED ONLY ON STREETS WHERE IT IS APPROPRIATE, THAT HAVE TRAFFIC CONDITIONS WHICH WARRANT MITIGATION, AND ARE SUPPORTED BY THE MAJORITY OF LOCAL RESIDENTS IN THE AFFECTED AREA.

GENERAL INSTALLATION CRITERIA

ALL STREETS BEING CONSIDERED FOR TRAFFIC CALMING INSTALLATIONS SHALL MEET THESE GENERAL QUALIFICATIONS PRIOR TO DETERMINING IF THEY MEET THE PETITION, SPEED AND VOLUME CRITERIA.

- THE STREET MUST NOT BE DESIGNATED AS AN EMERGENCY RESPONSE ROUTE, BUS ROUTE OR TRUCK ROUTE OR IDENTIFIED AS AN ARTERIAL ROADWAY ON THE MOST RECENT ADDITION OF THE ADOPTED STREET CLASSIFICATION MAP.
- THE PROPOSED TRAFFIC CALMING MEASURE SHALL ONLY BE CONSIDERED ON THE APPROPRIATE CORRESPONDING STREET CLASSIFICATION AS LISTED IN THE "TRAFFIC CALMING TOOLBOX" CONTAINED IN THIS DOCUMENT.
- ROADWAYS CLASSIFIED AS MINOR COLLECTOR OR MAJOR COLLECTOR MUST HAVE 75% RESIDENTIAL ZONING OR LAND USE FOR TRAFFIC CALMING CONSIDERATION.

- AN APPROPRIATE STREET LOCATION FOR THE DEVICE(S) SHALL BE AVAILABLE. APPROPRIATE DISTANCE FROM DRIVEWAYS, MANHOLES, DRAIN INLETS, WATER VALVES, STREET MONUMENTS, FIRE HYDRANTS AND OTHER APPURTENANCES SHALL BE CONSIDERED.
- DEVICES SHALL BE INSTALLED ONLY WHERE A MINIMUM SAFE STOPPING SIGHT DISTANCE CAN BE PROVIDED.
- INSTALLATION MUST NOT RESULT IN TRAFFIC DIVERSIONS TO OTHER NEIGHBORHOOD STREETS WHICH WOULD TRIGGER TRAFFIC CALMING MEASURES ON THOSE STREETS.

PETITION REQUIREMENTS

ANY TRAFFIC CALMING MEASURE MUST RECEIVE AREA-WIDE SUPPORT, AS DEMONSTRATED BY SUBMITTAL OF PETITIONS SHOWING THAT AT LEAST 75 PERCENT OF THE RESIDENTS AND/OR BUSINESSES AFFECTED FAVOR IMPLEMENTATION. IN ADDITION, 100 PERCENT OF THE PROPERTIES DIRECTLY FRONTING OR ADJACENT TO THE TRAFFIC CALMING MEASURE TO BE CONSTRUCTED IN A STREET MUST BE IN FAVOR OF THE TRAFFIC CALMING MEASURE. ONLY ONE SIGNATURE PER HOUSEHOLD OR BUSINESS WILL BE COUNTED TO DETERMINE THE 75 PERCENT APPROVAL. THE DEPARTMENT WILL PROVIDE STANDARD PETITION FORMS AND ANY RELATED EXHIBITS TO BE ATTACHED TO THE PETITION, AND WILL PROVIDE THE BOUNDARY OF THE AREA FOR WHICH THE PETITION IS TO BE CIRCULATED. WHEN NECESSARY THE PETITION AREA BOUNDARY MUST INCLUDE STREETS TO WHICH TRAFFIC MAY BE DIVERTED DUE TO IMPLEMENTATION OF A TRAFFIC CALMING MEASURE ON ANOTHER STREET. PERSONS CIRCULATING PETITIONS MUST ATTEMPT TO CONTACT ALL AFFECTED RESIDENTS OR BUSINESS OWNERS. COMPLETED PETITIONS MUST SHOW SIGNATURES FROM AT LEAST 90 PERCENT OF THE HOUSEHOLDS OR BUSINESSES IN THE PETITION AREA (INCLUDING BOTH PERSONS IN FAVOR OF AND PERSONS OPPOSED TO THE PROPOSED TRAFFIC CALMING MEASURE).

SPEED CONTROL CRITERIA

TRAFFIC CALMING MEASURES DESIGNED TO REDUCE SPEEDS INCLUDE: SPEED HUMPS, TRAFFIC CIRCLES, CHOKERS, RAISED INTERSECTIONS, ETC. IN ADDITION TO THE GENERAL REQUIREMENTS STATED FOR ALL TRAFFIC CALMING MEASURES, THE FOLLOWING CRITERIA MUST BE MET TO CONSIDER THE INSTALLATION OF MEASURES INTENDED TO SLOW TRAFFIC SPEEDS.

- THE 85TH PERCENTILE SPEED ON A RESIDENTIAL STREET MUST BE GREATER THAN 7 MILES PER HOUR OVER THE POSTED SPEED LIMIT

THE 85TH PERCENTILE SPEED IS THE SPEED AT WHICH 15 PERCENT OF THE VEHICLES ON THE ROADWAY EXCEED. THIS SPEED IS IMPORTANT BECAUSE IT IS USED TO DETERMINE SPEED LIMITS, WHICH MUST BE SET AT REASONABLE LEVELS TO ACHIEVE COMPLIANCE.

TRAFFIC DIVERSION CRITERIA

TRAFFIC CALMING MEASURES DESIGNED TO CREATE DIVERSIONS INCLUDE: TURN RESTRICTIONS, DIVERTERS, MEDIAN ISLANDS, ETC. IN ADDITION TO THE GENERAL CRITERIA STATED FOR ALL TRAFFIC CALMING MEASURES, THE FOLLOWING CRITERIA MUST BE MET TO CONSIDER THE INSTALLATION OF MEASURES INTENDED TO DIVERT TRAFFIC.

- THE AVERAGE DAILY TRAFFIC (ADT) VOLUME ON THE STREET MUST EXCEED, 700 TRIPS PER DAY. SINCE TRAFFIC COUNTS CAN FLUCTUATE BY TEN PERCENT OR MORE ON ANY GIVEN DAY, ANY STUDY THAT RESULTS IN A VOLUME RANGE BETWEEN 630 TO 700 TRIPS PER DAY MAY JUSTIFY ADDITIONAL TRAFFIC ANALYSIS.
- AT LEAST 25% OF THE DAILY TRAFFIC ON A RESIDENTIAL STREET MUST BE "CUT THROUGH".
- SPECIAL CONSIDERATION MAY BE GIVEN TO STREETS THAT DO NOT MEET THE 700 TRIPS PER DAY CRITERIA BUT HAVE 100 TRIPS OR MORE DURING THE PEAK HOUR, WITH AT LEAST 40% OF THOSE "CUT-THROUGH".

4 5. TRAFFIC CALMING REQUEST PROCEDURE

REQUEST

Any person requesting installation of traffic calming measures on the street where they reside and own real property may submit a written request to the Public Works Department (hereinafter, the "Department").

REVIEW FOR CONSISTENCY WITH POLICY; INITIAL TCC DISCUSSION

The Department shall receive the request, log in, and review it for consistency with this Policy. In the event the request is not consistent, the requester shall be so notified, and no further action shall be taken.

Requests determined to be consistent with this Policy will be placed on a future agenda of the TCC for a brief discussion of what type(s) of device(s) may be appropriate, ~~and the scope and schedule for investigations necessary to evaluate the traffic circumstances.~~ **A REVIEW OF THE TRAFFIC CONDITIONS AND THE PETITION REQUIREMENTS.**

CONCEPTUAL TRAFFIC CALMING PLAN

FOLLOWING THE INITIAL TCC MEETING the Department shall prepare a technical report for TCC consideration, to include a preliminary traffic calming plan. Prior to further TCC discussion, the Department shall route the report to the Police, Fire, **AND FIELD OPERATIONS** Departments for their review and comment.

REVIEW OF TECHNICAL REPORT; NOTIFICATION OF AREA RESIDENTS

AT A SECOND MEETING The TCC will review the report, and comments of the Police and Fire Departments; decide whether the calming request should proceed further; and if so, discuss the conceptual plan, determine the affective geographical area, and request that the Department notify residents of that area of the request. The means of notification will be determined on a case by case basis, and may include letters to property owners, and/or a public meeting.

~~EXCEPTIONAL CIRCUMSTANCES~~

~~For the purpose of this Policy, "exceptional circumstances" exist when three (3) or more of the following are met, in the determination of the Public Works and/or Fire and Police Departments, as applicable, the street is functionally classified as local, and is not a primary emergency response route:~~

- ~~* cut through traffic comprises 60% or more of the total traffic through the site~~
- ~~* other traffic calming means would be ineffective, objectionable, or unfeasible~~
- ~~* the 85th percentile speed is more than 10 mph over the posted limit~~
- ~~* commercial trucks comprise over 10% of the daily traffic volume~~
- ~~* there are no sidewalks or other defined paths for pedestrian use~~

SPEED HUMPS

~~In an exceptional situation where speed humps are being considered for deployment, for the request to proceed, the requester must provide petitions from not less than 75% of the immediate affected property owners supporting the request. The petition form and map of the affected area will be provided by the Department. The petition may be signed by only one (1) individual for each affected property. In the absence of a valid petition indicating support by not less~~

~~than 75% of the affected property owners, no further action will be taken on the request.~~

PUBLIC MEETING AND ACTION BY TCC

~~When, in the determination of the Department a public meeting regarding the request is necessary, it will be scheduled. All owners of properties within the affected area will be notified in writing by the Department.~~

ALL REQUESTS FOR TRAFFIC CALMING MEASURES SHALL HAVE A PUBLIC MEETING WITH NOTIFICATION OF ALL OWNERS IN THE AFFECTED AREA IN WRITING BY THE DEPARTMENT, AND GENERAL PUBLIC NOTIFICATION THROUGH PUBLIC SERVICE ANNOUNCEMENTS (PSA'S), AND LOCAL SIGN NOTIFICATIONS.

The TCC shall take final action on the request following the public meeting by either adopting an action plan **FOR CONSIDERATION BY CITY COUNCIL**, or determining that no measures should be implemented.

CITY COUNCIL REVIEW

The City Council shall be notified **AT A REGULARLY SCHEDULED COUNCIL MEETING** ~~in writing~~ in all cases where the TCC approves an action plan contemplating installation of physical traffic calming devices. ~~Should any Councilmember request in writing through the City Manager that the action plan be brought to the City Council for approval, the Department shall prepare a Council agenda item for that purpose. In the event that no Councilmember makes such a request within thirty (30) days of the date of written notification by the Department, installation may proceed.~~

FUNDING AND INSTALLATION

Installation of traffic calming devices is subject to the availability of funding within the current approved fiscal year budget, and work backlog of the Department.

5-6. EVALUATION/MODIFICATION/REMOVAL

EVALUATION

No more than one year after installation of a traffic calming device(s), the Department shall prepare a report evaluating the safety, effectiveness, and overall neighborhood impacts of the project. The report shall be provided to the TCC for discussion, and to the City Council with a summary of the TCC discussion as an endorsement.

MODIFICATION

Should, in the determination of the Department, a potentially hazardous condition be created by any traffic calming project, immediate action to abate such situation may be taken, to include modification or removal of the device(s). Notice will be sent to affected property owners when reasonable, considering the circumstances.

REMOVAL

Property owners within the previously determined affected geographical area may, upon submission of a petition signed by 75% of such owners, request removal of traffic calming devices. Only one signature per affected property shall be counted.

In the event a valid petition is received, the Department, in consultation with TCC, shall determine what action should be taken on the petition; and notify the City Council in writing of any such action planned to be taken. In a manner similar to that for installation, the City Council may opt to either consider and take action on the proposed removal, or not review the request, in which case the action planned to be taken by the Department may proceed.

COUNCIL AGENDA MEMO – September 14, 2010
DEPARTMENT: Legal & Public Works
AGENDA ITEM: Approval of Contract for Expert Witness Services in Spire Engineering v. City of Prescott

Approved By:	Date:
Department Head: Gary D. Kidd, City Attorney	
Finance Director: Mark Woodfill	
City Manager: Steve Norwood <i>[Signature]</i>	09/08/10

Background

The Pubic Works and Legal Departments are seeking approval of a \$70,000 contract for expert litigation services and expert testimony to be provided by PMA Consultants, PLLC in a pending arbitration proceeding. PMA is a national firm with Phoenix offices that specializes in expert litigation testimony and construction delay claims analysis. The City has used their services in past litigation.

Spire Engineering has filed a Notice of Request for Arbitration of a claim for their work on the Demerse Street Reconstruction project. The arbitration will be held before three arbitrators – each party has selected experienced construction claim arbitrators and those arbitrators have selected a third, as required by the City's project contract. The arbitration is scheduled for January 10 - 14, 17 and 18, 2011, in Phoenix.

Spire claims \$991,228 in additional compensation stemming principally from excavating rock that they claim they did not anticipate and from utility conflicts with Unisource and Qwest utilities, all of which they claim delayed its work and resulted in their additional costs. On August 20, 2010, Spire submitted its written expert's report regarding the utility conflicts and rock excavation delays and costs. To adequately defend the City's interests against Spire's claim and their expert's opinions in his report, the Legal Department and Public Works recommend that the City also engage a similarly qualified expert witness to prepare a written report and testify at the arbitration hearing.

Fiscal Impact:

Sufficient funds have been budgeted in the Demerse Street Reconstruction project budget to provide for this contract.

Recommended Action: MOVE to approve contract in the amount of \$70,000.00 for expert witness services to be provided by PMA Consultants, LLC.
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